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EXAMINER	
AGWUMEZIE, CHARLES C	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,524	DEMELLO ET AL.	
	Examiner	Art Unit	
	Charlie C. Agwumezie	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2001*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2 pages*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of claims

Claims 1-23 are pending in this application per response to office action filed by Applicant on May 2, 2005.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because screen shots are not allowed. The drawing must be in illustrated form. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Response to Arguments

Applicant's arguments filed on May 2, 2005 have been fully considered but they are not persuasive.

Applicant argues that Reed does not disclose or suggest all of the features recited by the Applicant's claim. That Reed is not directed to providing control over the information received by the consumer by authenticating data associated with websites so that a link to a website is only displayed if the website data is authenticated.

In response the Examiner respectfully disagrees with Applicant and asserts that Reed has all the features of the Applicant's claim and that Reed is directed to providing control over the information received by the consumer by authenticating data associated with websites so that a link to a website is only displayed if the website data is authenticated (fig. 32A, B and C; col. 19, lines 1-24; col. 49, lines 50-67; col. 50, lines 1-25; col. 109, lines 15-55; col. 149, lines 34-39). Applicant should further note that in a secure website such as that of Reed or any other one for that matter, a link to the web site will only be available or displayed if the consumer or the consumer's data is authenticated. Either that the consumer is taking directly to the website or a link is provided to enable access to the website. In either case it is a very common occurrence on the web.

Applicant further argues that while Reed does describe encryption and authentication using public keys, private keys and digital signatures, encryption is used for secure transmission of messages. Reed's authentication service objects are used for "creating secure communications channel between provider and consumer."...not for determining whether a website link should be displayed.

In response to Applicant's argument, the Examiner respectfully disagrees with the Applicant's characterization of Reed's authentication. While Reeds authentication service object are used for creating secure communication between provider and consumer, it is also used to authenticate any other service object. Col 107, lines 60-65. Applicant should also note that it is only when the consumer data is authenticated can a link to the website may be made available to the consumer. col. 97, lines 46-67; col. 98,

lines 1-47 . Furthermore, It should be noted that the fact that Applicant uses authentication for a different purpose as claimed does not alter the conclusion that its use in the prior art device would be prima facie obvious from the purpose disclosed in the references. In re Lintner, 173 USPQ 560.

As regards to claim 11, Applicant argues that neither Reed nor McFadzean discloses or suggest at least "an authentication module which verifies the authenticity of data against said signature and provides an indication of whether said data is authentic...

In response, the Examiner respectfully disagree with Applicant and assert that Reed discloses "an authentication module which verifies the authenticity of data against said signature and provides an indication of whether said data is authentic... as shown in the rejection of claim 7, 11 and 12 below (col. 109, lines 18-31, 40-50).

As regards to claim 14-18, Applicants argues that neither Reed nor Fransdonk alone or in combination discloses or suggest at least "limiting access to said web site by performing acts which include: generate signature for one or more of the web sites on said list using a key; and restricting access to said key...

In response, examiner respectfully disagree with the Applicant and assert that Reed also discloses all the limitations of claim 13 as recited and as rejected below. Please see rejection of claim 13 below.

As regards to claims 21-22, Applicant argues that neither Reed nor Perkowski discloses or suggest at least "accessing a list which includes a plurality of web sites, each of the web site having a corresponding signature...

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Please see rejection of claim 21 below.

As regards to claim 23, Applicant argues that it is allowable because it depends on allowable claim 21.

In response, Examiner asserts that neither claim 21 nor claim 23 is allowable for the reasons given above.

For the reasons given above, claims 1-23 stand rejected as shown below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12-13 and 19-20, are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al U.S. Patent 6,088,717.

1. As per **claim 1 and 6, 7**, Reed et al discloses a method of facilitating commerce over a communications network comprising:

generating data indicative of a web site (figs. 2, 19 and 20; col. 14, lines 61-67+);

generating a signature of said data using a private key (fig. 32B; col. 109, lines18-30);

providing said data and said signature to a plurality of computing devices (fig. 32C; col. 109, lines 25-31, 33-40);

providing to said plurality of computing devices a public key corresponding to said private key(col. 109, lines 25-31); and

providing to said plurality of computing devices a set of computer-executable instructions which performs acts comprising:

determining the authenticity of said data against said signature (col. 109, lines 40-50); and

displaying a link to said web site upon a determination that said data is authentic (col. 109, lines 55-57; col. 149, lines 35-39; col. 154, lines 37-40).

2. As per **claim 2 and 8**, Reed et al further discloses the method of facilitating commerce, wherein said web site vends a content item, and wherein said computer-executable instructions perform acts further comprising rendering said content item (see figs. 20, 30 and 34; col. 114, lines 65+; col. 115, lines 1-10, 15-25).

3. As per **claim 3**, Reed et al further discloses the method of facilitating commerce, wherein the act of providing said public key comprises including said public key in-line in said computer-executable instructions (see figs. 33A and 33B; col. 51, lines 20-25, 45-55).

4. As per **claim 4**, Reed et al further discloses the method of facilitating commerce, further comprising the act of restricting access to said private key (col. 51, lines 34-40).

5. As per **claim 5**, Reed et al further discloses the method of facilitating commerce, wherein the act of providing said computer-executable instructions comprises downloading said computer-executable instructions to said plurality of computing devices using a computer network (col. 61, lines 33-37; col. 77, lines 22-35, 50-59).

6. As per **claim 9**, Reed et al discloses the system, further comprising a module that navigates to the web site (figs. 21, 26 and 47).

7. As per **claim 10**, Reed et al further discloses the system, wherein the signature comprises a hash of said data (col. 109, lines 23-28, 49-52).

8. As per **claim 12**, Reed et al further discloses the system, wherein said authentication module uses a public key to verify the authenticity of said signature, said signature being based on a private key corresponding to said public key (col. 109, lines

18-31, 40-50).

9. As per **claim 13**, Reed et al discloses a method of providing access to web sites comprising:

creating a list of web sites (fig. 1 and 30; col. 3, lines 65+; col. 4, lines 4, lines 29-36); providing, to a plurality of computing devices, computer-executable instructions which access said web sites (fig. 1; col. 4, lines 29-36). Limiting access to said web sites by performing acts which include:

generating signatures for one or more of the web sites on said list using a key (col. 51, lines 27-39); and

restricting access to said key (col. 51, lines 34-36); wherein said computer-executable instructions include instructions which authenticate said signatures and which deny access to a web site on said list whose signature fails to authenticate(col. 109, lines 52-57).

10. As per **claim 19**, Reed further disclose the method, further comprising establishing a contract with owners of said web sites (fig. 18; col. 23, lines 3-15).

11. As per **claim 20**, Reed further discloses the method, wherein said key comprises a private key and wherein said computer-executable instructions use a public key corresponding to said private key to authenticate said signatures (col. 109, lines 18-31,

40-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 11, is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al U.S. Patent 6,088,717 in view of McFadzean et al, U.S. Patent Application Publication 2001/037302.

12. As per **claim 11**, Reed et al failed to explicitly disclose the system, wherein said memory location comprises one or more registry keys.

McFadzean et al discloses the system, wherein said memory location comprises one or more registry keys (0018, 0019).

Claims 14-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al U.S. Patent 6,088,717 in view of Fransdonk U.S. Patent Application Publication 2003/0165241.

13. As per **claim 14**, Reed et al, failed to explicitly disclose the method wherein said web site distributes digital content items renderable by said computing devices.

Fransdonk discloses the method wherein said web site distributes digital content items renderable by said computing devices (fig. 1, 0009, 0022).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein the web site distributes a content item as taught by Fransdonk in order to make distribution economically viable.

14. As per **claim 15**, Reed et al failed to explicitly disclose the method, wherein said digital content items comprises text.

Fransdonk discloses the method, wherein said digital content items comprises text (0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

15. As per **claim 16**, Reed et failed to explicitly disclose the method, wherein said digital content items comprises audio.

Fransdonk discloses the method, wherein said digital content items comprises audio (0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

16. As per **claim 17**, Reed et al failed to explicitly disclose the method, wherein said digital content items comprises video.

Fransdonk discloses the method, wherein said digital content items comprises video (0009, 0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

17. As per **claim 18**, Reed et al further discloses the method, wherein said digital content items comprises software.

Fransdonk discloses the method, wherein said digital content items comprises software (0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Reed et al and incorporate the system wherein product distributed include text as taught by Fransdonk in order to ensure that all applicable data format is available for download.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski U.S. Patent 6,064,979 in view of Reed et al U.S. Patent 6,088,717.

18. As per **claim 21**, Perkowski discloses a computer memory which stores a data structure produced by acts comprising:

accessing a list which includes a plurality of web sites each of said web sites having a corresponding signature (fig. 2A1, col. 6, lines 26-47, col. 3, lines 44-54); Perkowski however failed to disclose determining the authenticity of each web site on said list against its corresponding signature; including in said data structure a first set of said web sites which are determined to be authentic against their respective signatures; and excluding from said data structure a second set of said web sites which fail to authenticate against their respective signatures.

Reed et al discloses determining the authenticity of each web site on said list against its corresponding signature; including in said data structure a first set of said web sites which are determined to be authentic against their respective signatures; and excluding from said data structure a second set of said web sites which fail to authenticate against their respective signatures (col. 36, lines 42-52; col. 109, lines 40-50, 55-57; col. 149, lines 35-39; col. 154, lines 37-40).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Perkowski and incorporate the system capable of determining the authenticity of each web site against corresponding

signature... as taught by Reed et al in order further protect the associated contents upon access.

19. As per **claim 22**, Perkowski further discloses the data structure, wherein said data structure includes a universal record locator for each web site in said first set (fig. 2A1; col. 3, lines 45-54)

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski U.S. Patent 6,064,979 in view of Reed et al U.S. Patent 6,088,717 as applied to claim 21 above, and further in view of McFadzean et al U.S. Patent Application Publication 2001/0037302.

20. As per **claim 23**, both Perkowski and Reed et al failed to explicitly disclose the data structure, wherein said accessing act comprises accessing a set of registry keys.

McFadzean et al discloses the data structure, wherein said accessing act comprises accessing a set of registry keys (0018, 0019).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Perkowski and incorporate the system wherein said accessing act comprises accessing a set of registry keys as taught by McFadzean et al in order further ensure reliability.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is (571) 272-6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272 – 6712. The fax phone number for the organization where the application or proceeding is assigned is (703) 305-7687. [Official communications; including After Final communications labeled "Box AF"]. (703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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July 7, 2005

Primary Examiner
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